

SUPPORTING STATEMENT

New Classification for Victims of Certain Criminal Activity;

Eligibility for “U” Nonimmigrant Status

Forms I-918; I-918 Supplement A; and I-918 Supplement B

(OMB No. xxxx-xxxx)

A. Justification.

1. This application permits victims of criminal activity who assist government officials in investigating or prosecuting that criminal activity and their immediate family members to demonstrate that they qualify for temporary nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), and to receive temporary immigration benefits. This nonimmigrant category was established by Public Law 106-386, sections 107(e) and 1513(c) and is intended to provide temporary immigration benefits to certain victims of crimes while providing a means of assistance for government officials who investigate and prosecute those crimes.
2. The application is divided into three parts. The Form I-918, I-918 Supplement A and I-918 Supplement B. The Principal Applicant will complete the Form I-918 to apply for U nonimmigrant status. The Principal Applicant may complete Form I-918 Supplement A, to petition for derivative status for a qualifying immediate family member. The Principal applicant must submit Form I-918, Supplement B from a certifying agency indicating that

the applicant is, has been, or is likely to be helpful in its investigation or prosecution of the qualifying criminal activity. The information on all three parts of the form will be used to determine whether applicants meet the eligibility requirements for benefits under 8 CFR Parts 103, 212, 214, 274a, and 299. This application incorporates information pertinent to eligibility under the VTVPA and a request for employment.

3. This form provides the most efficient means for collecting and processing the required data. In this case the United States Citizenship and Immigration Services (USCIS) does not employ the use of information technology in collecting and processing information. Currently, USCIS does not have the automated capability in place to accept electronic submission of these forms.
4. A review of USCIS Forms Inventory Report revealed no duplication of efforts, and there is no other similar form currently available, which can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the form is not approved, there is no other vehicle USCIS may employ that would satisfy the requirements of the program as mandated by Public Law 106-386.

7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. USUSCIS arrived at the fee amount by comparing the processing requirements of the new Form I-918 with existing adjudication procedures. The adjudication of the Form I-918 will be very similar to that of the I-914, Application for T Nonimmigrant Status because they are both statuses for crime victims who are assisting law enforcement in an investigation or prosecution, and the fee for the I-914 was determined in part by comparing that application to the adjudication of Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. The fee for the I-360 is \$190, and the fee for the Form I-765 is \$180. The sum of the two fees (\$370) is reduced to \$360 to reflect that only one form needs handling and tracking. Furthermore, there is no separate adjudication required for employment authorization for U principals, who are authorized to work incident to status. The application also will be used to generate an Employment Authorization Document (EAD), taking the place of a separate Form I-765. As a result, this fee has been further reduced to reflect saved adjudication expenses and to take into account that the U principal's EAD is incident to status. Based on these calculations, USUSCIS set the fee at \$270. The addition of \$120 for each additional person included on the form was based on a comparison of the Form I-918 process to the processing of Form I-687, Application for Status as Temporary Resident, which also requires an additional fee of \$120 per additional person on the application.
9. USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.

10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and form be kept confidential. The respondent is informed that the information provided in the application package is confidential, and that it will only be used to determine eligibility and to enforce penalties for false statements. Further, the respondent is informed that the information will be released only as necessary to investigate the claim and to determine an applicant's eligibility for adjustment of status.
11. The questions are necessary in order to receive benefits under the VTVPA. USCIS will take every step to safeguard this information appropriately.

12. <u>Annual Reporting Burden:</u>	<u>I-918</u>	<u>I-918A</u>	<u>I-918B</u>
a. Number of Respondents	12,000	24,000	36,000
b. Number of Responses per Respondent	1	1	1
c. Total Annual Responses	12,000	24,000	36,000
d. Hours per Response	3	1	1
e. Annual Reporting Burden	36,000	24,000	36,000
f. Fee Charge	3,240,000	4,800,000	0
g. Biometric Cost	840,000	1,680,000	0
h. Total Public Cost	4,080,000	6,480,000	36,000

Annual Reporting Burden

The estimated total annual reporting burden hours are 94,000. This figure was derived

by multiplying the number of I-918 respondents (12,000) x frequency of response (1) x hours per response (3); multiplying the number of I-918A respondents (24,000) x frequency of response (1) x hours per response (1); and multiplying the number of I-918B respondents (36,000) x frequency of response (1) x hours per response (1). The three resultant products were added together to equal the total annual reporting burden hours.

The projected hours per response for these collections were derived by breaking down the process into three components:

	<u><i>I-918</i></u>	<u><i>I-918A</i></u>	<u><i>I-918B</i></u>
Learning about Law and the Form	45 Min.	15 Min.	10 Min.
Completion of the Form	30 Min.	15 Min.	15 Min.
Assembling and Filing the Form	60 Min.	30 Min.	5 Min.
<i>TOTAL Hours per Response</i>	<i>135 Min.</i>	<i>60 Min.</i>	<i>30 Min.</i>

For the first two components, Learning about the Pertinent Law and Completion of the Form we used tests to determine completion times. People who were not conversant with immigration processes were used to determine average completion time. The third component of the process, “Assembling and Filing the Form”, was broken down into subtasks. For example, the form can be mailed to a USCIS office or filed in person. Thus, the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

Public Cost

The estimated annual public cost is \$11,130,000. This estimate is based on the number of I-918 respondents (12,000) x hours per response (3) x \$10 (average hourly rate), plus the number of respondents (12,000) x fee charge of \$270, plus the number of respondents x biometric charge (\$70); multiplying the number of I-918A respondents (24,000) x hours per response (1) x \$10 (average hourly rate), plus the number of respondents (24,000) x fee charge of \$200, plus the number of respondents x biometric charge (\$70); and multiplying the number of I-918B respondents (36,000) x hours per response (1) x \$10 (average hourly rate). The three resultant products were added together to equal the total annual public cost.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this information collection are identified in Item 14. There is a fee charge of \$270 for filing Form I-918 and a \$200 fee charge for filing Form I-918 Supplement A. Additionally, the cost of obtaining biometric charge is \$70 per respondent.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 49,680
b.	Collection and Processing Cost	\$ 3,737,820
c.	Total Cost to Program	\$ 10,560,000
d.	Charges (Biometric Fee)	\$ 10,560,000
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of I-918 respondents (12,000) x \$270 fee charge and the \$70 biometric charge, plus the number of I-918A respondents (24,000) x \$200 fee charge and the \$70 biometric charge.

The fee charge includes suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus a percent for the estimated overhead cost for printing, stocking, and distributing the form which is \$49,680.

15. This is a new information collection and is represents an increase in the total USCIS inventory previously reported.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. USCIS is seeking approval to not display the expiration date of OMB approval of this information collection as this program is a pilot.
18. USCIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

B. Collection of Information Employing Statistical Methods.

Not Applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Richard A. Sloan

Director

Regulations and Forms Services Division

Date